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11 HTC CORPORATION and
12 HTC AMERICA, INC.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HTC CORPORATION and HTC AMERICA,
INC.,

Plaintiffs,

v.

TECHNOLOGY PROPERTIES LIMITED,
PATRIOTIC SCIENTIFIC CORPORATION
and ALLIACENSE LIMITED,

Defendants.

Case No. 5:08-CV-00882 JF

(Related to Case Nos. 5:08-cv-05398 JF
and 5:08-cv-00877 JF)

**DECLARATION OF KYLE D. CHEN
IN SUPPORT OF HTC'S MOTION
FOR SUMMARY JUDGMENT OF
NON-INFRINGEMENT OF U.S.
PATENT NOS. 5,440,749, 5,809,336
AND 6,598,148**

Date: [TBD]

Time: [TBD]

Place: Courtroom 3, 5th Floor

Judge: Hon. Jeremy Fogel

I, Kyle D. Chen, declare:

1. I am an attorney at the law firm of Cooley LLP, counsel in this action for Plaintiffs
2. HTC Corporation and HTC America, Inc. (collectively "HTC"). I make this declaration in
3. support of HTC's Motion for Summary Judgment of Non-Infringement. I have personal
4. knowledge of the facts contained within this declaration, and if called as a witness, could testify
5. competently to the matters contained herein.

1 2. Attached to this declaration as **Exhibit 1** is a true and correct copy of the
 2 Amendment in Response to Non Final Office Action in *Ex Parte* Reexamination Proceedings,
 3 dated January 19, 2010, from Control No. 90/009,034 merged with Control No. 90/009,389
 4 merged with Control No. 90/010,520, a merged re-examination of U.S. Patent No. 5,440,749 to
 5 Charles H. Moore et al.

6 3. Attached to this declaration as **Exhibit 2** is a true and correct copy of the
 7 Amendment in Response to Final Office Action in *Ex Parte* Reexamination Proceedings wit
 8 Information Disclosure Statement, dated November 29, 2010, from Control No. 90/009,034
 9 merged with Control No. 90/009,389 merged with Control No. 90/010,520, a merged re-
 10 examination of U.S. Patent No. 5,440,749 to Charles H. Moore et al.

11 4. Attached to this declaration as **Exhibit 3** is a true and correct copy of TPL's claim
 12 chart in its Infringement Contentions for U.S. Patent No. 5,440,749 (the "'749 patent") against
 13 HTC Star Trek 3125 that is representative of the claim charts for the '749 patent against HTC
 14 Faraday 2125, Iris S640, PC Advantage X7501, Apache XV6700, S621, Shadow, Tilt TYTN II,
 15 Touch Dual, XV6600, Wing, Mogul XV6800, P4351, PDA i-mate, P3600, Dash, P3300, P3470,
 16 P4300, PDA2K, S710, TYTN, Wizard, S720, SPV C500/SMT 5600, Tornado, Touch Cruise
 17 P3650, Touch Phone Diamond and Touch Phone Touch ("accused '749 products") with respect to
 18 the limitation of "supply the multiple sequential instructions to said central processing unit
 19 integrated circuit during a single memory cycle."

20 5. Attached to this declaration as **Exhibit 4** is a true and correct copy of TPL's claim
 21 chart in its Infringement Contentions for U.S. Patent No. 5,809,336 (the "'336 patent") against
 22 HTC Wing that is representative of the claim charts for the '336 patent against HTC Dash, P4000,
 23 P4300, P4351, S621, S630, S640, S710, S720, S730, Shadow, Star Trek 3125, Tornado, Touch
 24 Phone Diamond, Touch Phone Fuze, Touch Phone P3650, Typhoon, Wizard, and Titan XV6800
 25 with respect to the following limitations:

Patent	Claim Term
'336	An entire ring oscillator variable speed system clock in said single integrated circuit

An entire oscillator disposed upon said integrated circuit substrate
Providing an entire variable speed clock disposed upon said integrated circuit substrate

6. Attached to this declaration as **Exhibit 5** is a true and correct copy of TPL's claim chart in its Infringement Contentions for U.S. Patent No. 6,598,148 (the "'148 patent") against HTC Advantage X7501 that is representative of the claim charts for the '148 patent against HTC P3470 and P3300 with respect to the following limitations:

Patent	Claim Term
'148	A <i>ring oscillator</i> having a variable output frequency, wherein the ring oscillator provides a system clock to the processing unit, the ring oscillator disposed on said integrated circuit substrate ¹
	a <i>ring oscillator</i> having a variable output frequency, wherein the ring oscillator provides a system clock to the processing unit, the ring oscillator disposed on said first substrate

7. Attached to this declaration as **Exhibit 6** is a true and correct copy of excerpts from the deposition transcript of Vojin Oklobdzija, dated December 22, 2010.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on April 8, 2011 in Palo Alto, California.

/s/ *Kyle D. Chen*

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¹ HTC has asked the Court to construe the term “ring oscillator” from the ’148 patent. To provide fuller context, the phrases shown in the chart in the text for the ’148 patent reflect the entire phrase in which “ring oscillator” (shown in italics) appears.